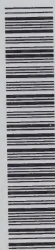


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# M-TRAC

*for rail safety*

INTRODUCTORY STATEMENT  
BEFORE THE  
STANDING COMMITTEE ON TRANSPORT  
HOUSE OF COMMONS  
OTTAWA

## PROTECTING THE PUBLIC IN AN ERA OF DEREGULATED TRANSPORT

RESPONSE TO PARLIAMENT  
ON THE GOVERNMENT'S  
POSITION PAPER

**FREEDOM TO MOVE**

TORONTO  
NOVEMBER 27, 1985

M-TRAC is a non-profit Metrowide umbrella organization of ratepayers, residents and other groups who following the Mississauga train derailment joined forces to investigate and advocate rail safety in densely populated urban areas. Members are committed to initiate legislative and other changes necessary to ensure public safety particularly in the transport of dangerous commodities by rail.



Government  
Publication

# M-TRAC

for rail safety

*You have heard a lot for the  
the status of and its impact on*  
METRO TORONTO RESIDENTS' ACTION COMMITTEE

181 University Avenue, Suite 1802, Toronto, Ontario, M5H 3M7      Telex 065-24481      Phone (416) 365-0301

*Impact on Competition*

## INTRODUCTORY STATEMENT

### BEFORE THE STANDING COMMITTEE OF TRANSPORT

#### HOUSE OF COMMONS

*Our review of the* OTTAWA

Mr. Chairman, Members of the Committee:

The M-TRAC directors endorse the general thrust of the position

paper Freedom to Move. But we feel the document contains a number of blank spaces which must be filled in if the country as a whole is to benefit.

Fair and open competition is to be commended. The elimination of red tape is to be commended. But if the result is monopoly and the elimination of small, regional operators, then some parts of the country may suffer. And, of course, the privilege of private pricing deals may collide with fair competition.

So we believe the law must be amended with caution. Some areas of Canada may require special protection. No doubt this Committee will keep that in mind.

Public safety is another major issue. The public has a right to protection against dangerous chemical spills and accidents that bring massive suffering. That is one of the blank spaces in the Freedom to Move document. It doesn't spell out how the public is to be protected. And we can advise this Committee that there are a great number of people deeply concerned about this matter.



We suggest there is a basic weakness in the Freedom to Move position paper. It tends to treat transport economics in isolation. While the Minister of Transport has assured us privately and in public that safety remains his highest priority, this has not been adequately addressed in his position paper. It is as though someone advised him that safety can be addressed in some other document, at some other time. We hope this is not the case.

We are sure all members of this Committee will agree that in changing the basic policies, the basic laws of this country, the safety and security of all Canadians must be kept firmly in mind.

Major changes proposed by the Freedom to Move document involve the National Transportation Act. We plead with you to ensure that the responsibility of safety--indeed, the priority of safety--is imbedded in Section 3 of that act.

Frequently, in judicial hearings, we hear railway solicitors argue that safety obligations must be more closely related to economic costs. That argument now has been translated into the more sophisticated term "performance oriented" regulations.

In other words, it doesn't matter so much how you get the toxic and explosive materials from one major urban centre to another as long as you deliver the materials to their destination safely. So you don't need so many federal inspectors at the yards to check the marshalling and placarding of dangerous goods. You don't need to worry too much about the speed along the way, or even the condition of the tank cars and track. As long as the goods arrive safely.







We have consulted a number of emergency response people in our area. There is a great fear that Transport Canada, seeking ways of saving money, may be hypnotized by performance orientation. There is a real and growing fear that safety standards are about to be diluted and that risks for major urban areas will be increased.

For example, new safety regulations went into effect last July. Enforcement of those regulations became an obligation of the Canadian Transport Commission. In order to carry out its minimum obligations the Commission asked the Treasury Board for 36 trained inspectors--that is funds to provide payment for men specially trained in the field of dangerous goods inspection. What did the Commission get? Funds for just eight men. How can the Commission carry out its responsibilities? The blunt fact is that there is no full inspection. There are not enough men to do the job. We have pleaded with the Minister of Transport to find some way of providing funds for the inspectors required. What we hear is that funds are not available.

As the former chairman of the Railway Transport Committee, Mr. John Magee, has stated: What purpose is served by introducing laws and regulations if there are no means of enforcing them? He has warned that responsibility for the next major rail accident in this country may lie at the feet of those federal authorities who have refused to commit funds for safety. There is concern in this country about that matter. The public of this country is increasingly concerned about environmental issues, including chemical spills.

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There are schools, hospitals and homes located adjacent to the track in many urban areas. The threat of chemical spills is not a fantasy--it is real. The world knows about Bhopal, India. And many countries know about Mississauga, Ontario. The Fire Chief of Mississauga still gets dozens of calls about that derailment that brought fire and explosions and a chlorine scare that forced evacuation of some 225,000 people, virtually the whole city, for six days.

We have had other rail problems in the Metro Toronto area where huge amounts of dangerous chemicals move daily through the highest concentration of population in all Canada. In Ontario we have had rail problems from Hornpayne to Petawawa. Serious derailments have occurred in recent years right across the country. Some improvement in rail safety have taken place but the experts will tell you there are not enough.

The Toronto Board of Education is worried. It has launched chemical spills drills in schools, especially those close to the track. Other urban areas should pay attention. The problem will remain serious until this government and Parliament commit themselves to full enforcement of the law--and strengthen the law in a reasonable manner.

We all understand that some risks must be acceptable. But there is a difference between risks which a citizen undertakes voluntarily and those forced on him, including hidden risks which the citizen may not understand.





Now, the argument has been made that Canada's railways need economic help because of massive and unfair competition from across the border. Certainly the railways should be given every assistance and encouragement to meet foreign competition. But it should not be lost on this Committee that the railways do get impressive subsidies from Parliament. And despite this substantial federal assistance, the railways have been criticized for failing to keep up with modern technology, allowing the system to run into obsolescence.

It came as a surprise to us--and it may be a surprise to you--to learn that while most industries finance their own commercial research and development programs, the Canadian railways and their associates lean heavily on the Canadian taxpayer for research and development.

So it is not a case of the railways <sup>depending</sup> leaning entirely on their own resources to meet foreign competition. And despite all the so-called warnings that have been issued about this foreign competition, we find no real evidence that Canadian railways are being hard-pressed by their competitors in the United States.

We agree that stripping away of unnecessary red tape should be undertaken in any case, and the railways should be allowed to benefit, as long as their operations do not lead to outright monopoly conditions and high freight charges to captive shippers and communities.

We therefore urge this Committee to recommend that specific conditions be imbedded in the amended law to cushion and bridle outright Freedom to Move <sup>outside</sup> the field of fair and open competition. The transport system is the lifeblood of this country. Every community should have the assurance that deregulation will not lead to a situation where transport giants can cripple a community's growth.





And we further recommend that conditions of safety be spelled out in the law. In the event of a derailment, bringing suffering and harm to the public, the railways should not be able to go into a court and maintain there can be no claim against the railways because the railways obeyed the law. <sup>as it exists</sup> If the law is skimpy or inadequate or even absent, the fault lies with those who designed the law. Here is an opportunity to ensure that the National Transportation Act spells out that safety must have the highest priority, not only on the rails but on the roads and in the air and at sea.

Some may argue that in making this appeal we are placing too heavy a burden on the railways. But it should not be lost on this Committee that accidents can be costly and that the railways can lose heavily. The cost of the Mississauga derailment has been conservatively estimated at more than \$70 million. Might not that accident have been prevented had the railway spent \$100,000 to install a hot-box detector on ~~that~~ line? It is a bitter commentary on the railways' adherence to the doctrine of safety that for a year after the Mississauga derailment--indeed for more than a year--the railway involved did not install hot box detectors all through that sensitive high-density area until finally ordered to do so by the Canadian Transport Commission in the midst of an investigation and public hearing.

The railway did not do so voluntarily. It was forced to do so, under the law. And we say: what guarantees are there for the public if the law does not exist or if it is not enforced?



There is another point that needs highlighting in the effort to fill in the blank spaces of the Freedom to Move document. It is clear that the Minister of Transport has decided that the Canadian Transport Commission is to be dismantled and replaced by a new and smaller regulatory body directly under his wing.

We agree that the powers of the CTC must be separated but we are concerned that by tucking the split powers under his wing, the Minister may be open to criticism and to temptation to impose political limitations on the regulation and investigation of the transport industry. We believe that the investigative body should have a degree of independence and be directly responsible to Parliament, operating somewhat like the National Transportation Safety Board in Washington.

There is a great deal of public concern over dangerous goods--right across the country. There is concern that governments have been lax in protecting the public, in the storage, handling and transport of dangerous goods. There is not only concern but growing anxiety and frustration. The public has the right to look to Parliament for protection, for this and for future generations. Investigation of dangerous-goods accidents, including collisions and derailments, must be seen to be free of political bias or unfair defence of one party against another. We feel very strongly that investigators of incidents involving chemical spills must have full freedom to act.

November 27, 1985

Harold Morrison  
Chairman.













